REMARKS

By this amendment, claims 1-7, 9, 12 and 14-18 are pending and claims 8, 10, 11, 13 and 19-21 are canceled. Claims 1-7, 9, 12 and 14-18 are amended.

In view of the amendment and associated Remarks, reconsideration and withdrawal of all outstanding rejections are deemed proper.

Rejection under 35 USC §112, first paragraph

Claim 11 is rejected under 35 U.S.C. §112, first paragraph. Claim 11 is canceled. In light of this amendment, withdrawal of this rejection is respectfully requested.

Rejection under 35 USC §103(a)

Claims 1-7, 9-13 and 15-16 are rejected under 35 USC §103(a) as being unpatentable over Seemann in view of Mattes or Winkelhake. The rejection is respectfully traversed.

Claim 1 and dependent claims therefrom have been amended such that the claimed compound does not comprise and antibody or antibody fragment. Support for said amendment may be found, for example, on page 10, lines 24-34, where Applicants disclose different chemical compositions of the invention including humanized one or two chained fusion proteins that are not antibodies, and ligand-enzyme conjugates.

Seemann teaches a fusion protein comprising a general formal of a humanized tumor-specific monoclonal antibody or antibody fragment, linker and beta glucuronidase. The reference is silent with regards to disclosing fusion proteins wherein the binding specific portion of said fusion protein is not an antibody or antibody fragment. The secondary reference of Mattes or Winkelhake is provided for the teaching of chemical glycosylation of antibodies and methods of enzymatic degradation, respectively.

It is submitted that the combination of references to not provide one skilled in the art the motivation to prepare fusion proteins devoid of antibodies or fragments thereof and glycosylate

them in the manner set forth in Mattes or Winkelhake. Accordingly, a prima facie case of obviousness cannot be made by combining Seemann with Mattes or Winkelhake.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 14 is rejected under 35 USC §103(a) as being unpatentable over Seemann in view of Winkelhake and further in view of Page. The rejection is respectfully traversed.

Claim 1 and dependent claim 14 have been amended such that the claimed compound does not comprise and antibody or antibody fragment. Support for said amendment may be found, for example, on page 10, lines 24-34, where Applicants disclose different chemical compositions of the invention including humanized one or two chained fusion proteins that are not antibodies, and ligand-enzyme conjugates.

Seemann teaches a fusion protein comprising a general formal of a humanized tumor-specific monoclonal antibody or antibody fragment, linker and beta glucuronidase. The reference is silent with regards to disclosing fusion proteins wherein the binding specific portion of said fusion protein is not an antibody or antibody fragment. The secondary reference of Winkelhake does not explicitly teach fusion proteins that do not contain monoclonal antibodies or antibodies fragments. Nor does the tertiary reference of Page provide a teaching of preparing fusion proteins that do not contain a monoclonal antibody or antibody fragment portion. Accordingly, Windkelhake and Page do not teach or suggest the deficiency that is absent in Seemann and do not in combination make *prima facie* obvious the claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 17 is rejected under 35 USC §103(a) as being unpatentable over Seemann in view of Mattes or Winkelhake and further in view of Bosslet. The rejection is respectfully traversed.

Claim 1 and dependent claim 17 have been amended such that the claimed compound does not comprise and antibody or antibody fragment. Support for said amendment may be found, for example, on page 10, lines 24-34, where Applicants disclose different chemical compositions of the invention including humanized one or two chained fusion proteins that are not antibodies, and ligand-enzyme conjugates.

Seemann teaches a fusion protein comprising a general formal of a humanized tumor-specific monoclonal antibody or antibody fragment, linker and beta glucuronidase. The reference

is silent with regards to disclosing fusion proteins wherein the binding specific portion of said fusion protein is not an antibody or antibody fragment. The secondary reference of Mattes or Winkelhake does not explicitly teach fusion proteins that do not contain monoclonal antibodies or antibodies fragments. Nor does the tertiary reference of Bosslet provide a teaching of preparing fusion proteins that do not contain a monoclonal antibody or antibody fragment portion. Accordingly, Mattes, Winkelhake and Bosslet do not teach or suggest the deficiency that is absent in Seemann and do not in combination make *prima facie* obvious the claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 18 is rejected under 35 USC §103(a) as being unpatentable over Seemann in view of Mattes or Winkelhake and further in view of Bagshawe. The rejection is respectfully traversed.

Claim 1 and dependent claim 18 have been amended such that the claimed compound does not comprise and antibody or antibody fragment. Support for said amendment may be found, for example, on page 10, lines 24-34, where Applicants disclose different chemical compositions of the invention including humanized one or two chained fusion proteins that are not antibodies, and ligand-enzyme conjugates.

Seemann teaches a fusion protein comprising a general formal of a humanized tumor-specific monoclonal antibody or antibody fragment, linker and beta glucuronidase. The reference is silent with regards to disclosing fusion proteins wherein the binding specific portion of said fusion protein is not an antibody or antibody fragment. The secondary reference of Mattes or Winkelhake does not explicitly teach fusion proteins that do not contain monoclonal antibodies or antibodies fragments. Nor does the tertiary reference of Bagshawe provide a teaching of preparing fusion proteins that do not contain a monoclonal antibody or antibody fragment portion. Accordingly, Mattes, Winkelhake and Bagshawe do not teach or suggest the deficiency that is absent in Seemann and do not in combination make *prima facie* obvious the claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

Double Patenting

Claims 1, 6-7, 9, 12 and 15-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 9-11 and 15-16 of US Patent No. 7,060,495.

Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321 to overcome the rejection based on this ground. Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all pending rejections. Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance.

Respectfully submitted,

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